



# PUBLIC NOTICE

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**Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554**

**DA 03-871  
March 25, 2003**

## **COMMENTS INVITED ON KMC TELECOM III, LLC APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**

**Comp. Pol. File No. 641**

**Comments Due: April 8, 2003**

### **Section 214 Application**

**Applicant: KMC Telecom III, LLC**

On **March 19, 2003**, **KMC Telecom III, LLC** (KMC or Applicant) located at **1545 Route 206, Suite 300, Bedminster, New Jersey 07921** filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of domestic telecommunications services to certain customers in Louisiana and South Carolina.

The application indicates that KMC has limited operations in Louisiana and South Carolina. KMC states that it currently provides long distance and toll free services via switched or dedicated facilities, on either a "Standalone" basis to customers who purchase only long distance or toll free service from KMC, or in conjunction with KMC's local service. KMC states that it intends to discontinue the "Standalone" service it provides to 118 customers in Louisiana, and to 118 customers in South Carolina. According to KMC, customers who purchase long distance or toll free services in addition to, or in conjunction with, local service from KMC will not be affected. KMC indicates that it mailed notices of its planned discontinuance of services to customers in Louisiana on March 3, 2003, and to customers in South Carolina on March 7, 2003.

KMC states that it seeks authority to discontinue service to affected customers in Louisiana on April 6, 2003, and to affected customers in South Carolina on April 10, 2003, or as soon thereafter as the necessary government approval can be obtained.

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31<sup>st</sup>) day after the release date of this notice, unless the Commission

has notified the Applicant that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), KMC cannot legally terminate service to its customers until at least the thirty-first day after the release of this Public Notice, in this case, April 25, 2003. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **April 8, 2003**. Such comments should refer to **Comp. Pol. File No. 641**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. The original and four (4) copies of the comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail at [qualexint@aol.com](mailto:qualexint@aol.com).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [cweather@fcc.gov](mailto:cweather@fcc.gov), or Rodney McDonald, (202) 418-7513 (voice), [rlmcdona@fcc.gov](mailto:rlmcdona@fcc.gov), of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit [http://www.fcc.gov/wcb/cpd/other\\_adjud](http://www.fcc.gov/wcb/cpd/other_adjud).

**-FEDERAL COMMUNICATIONS COMMISSION-**